

NOAA CZMA Appeals Hearing on Islander East
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Since the issues surrounding the installation of Islander East Pipeline have received extensive attention since June 15, 2001, and there has been much debate about their merits, little has been said about the proximity of Browns, Wheatons and East Reefs to the pipeline path.

Little mitigation effort has been contemplated south of Milepost 12, near R "4A", for either restitution/mitigation or avoidance of one of the most productive blackfish (tautog) recreational fishing sites off the coast of Connecticut. Nor has there been consideration of these measures for other productive reef areas to the north of M.P. 12, up to M.P. 10.1 at the end of the HDD exit hole. All the while, however, the leaser of shellfish bed L-555, which is adjacent to Browns Reef has a contract for \$1.9 million for potential damages.

I've included in my submission of written comments, photographs taken just two days ago on November 3, 2003 of a fleet of over 20 recreational fishermen surrounding buoy R "26", thereby documenting the commercial importance of the recreational fisheries in any consideration of a balance between economic development and need. Note that the pipeline path is proposed to proceed south of M.P. 12 just west of N "2NW", only a few hundred yards away from the reef.

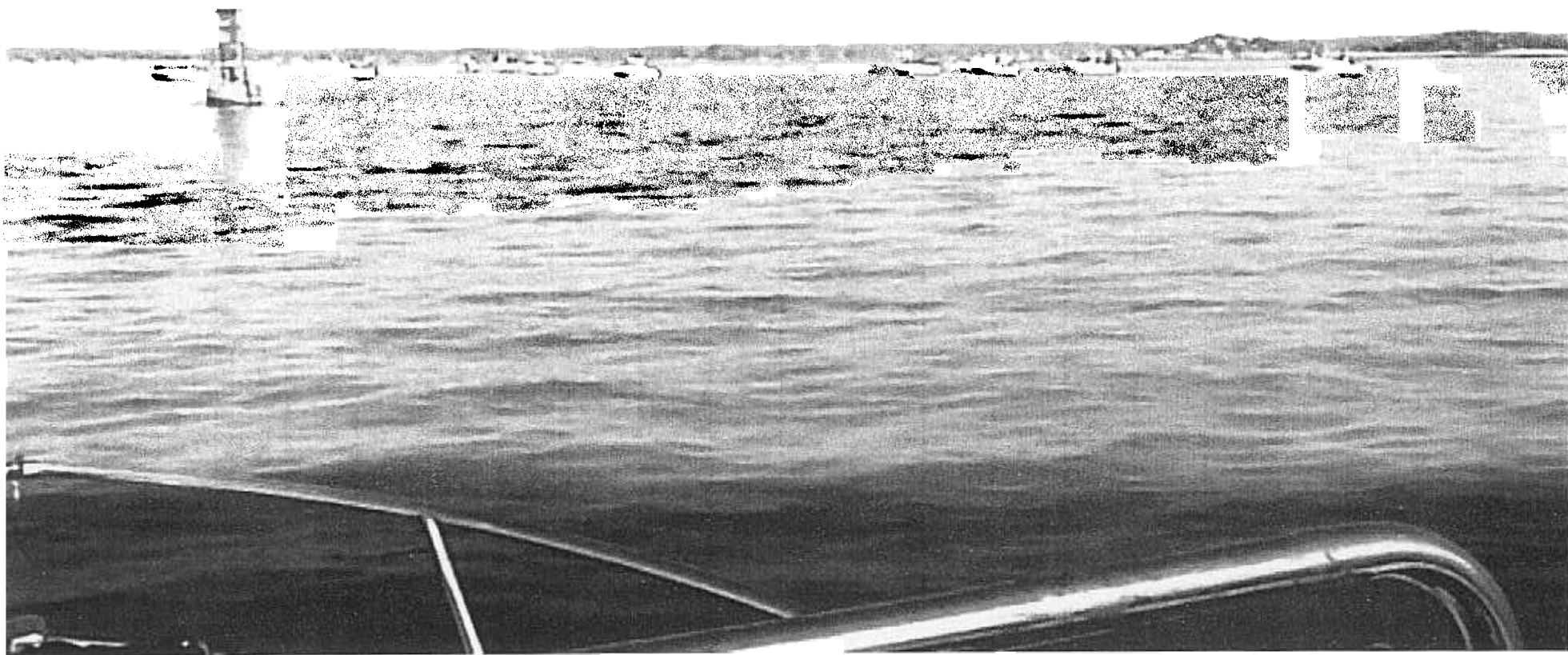
Tautogs and cunners are very territorial, seldom venturing more than a third of a mile from their feeding grounds. Unfortunately, Islander East has provided little information on the impacts of the pipeline on their habitat, let alone identify the locations of productive demersal finfish habitats along the proposed pipeline path. Geographical locations of breeding grounds, potential effects of contaminated sediments on larvae, identification of interconnected spawning and juvenile nurturing areas, and the potential effects of contaminated sediments on crustaceans, which are part of the tautog food chain have not been identified. Reports submitted by Islander East on sediment contamination have been criticized by academic experts as only applying to the top 2 cm of the sediment along the proposed path (see Army Corps of Engineers hearing proceedings).

To make matters worse, we have experienced just in the past two weeks several storms from the southwest, one of which lasted for 48 hours with sustained winds of over 30 mph., with gusts of 60 mph. Little is known of the effects of dispersal of eroded spoils produced by the sea-plow dredging near these fishing grounds, yet as noted above, lease owners of shellfish beds will be more than amply compensated for potential damages in abutting areas. In 1991, during the Iroquois pipeline installation, there was surprising erosion of deeper water sediments during such storms. Of additional concern, is that the Connecticut DEP has established a closed season of tautogs from November 24 until December 31. This means that we are prohibited from taking of these fish, yet Islander East will be able to disrupt their habitat during the winter installation window, if this

project is approved. Even if the finfish habitats of reefs of the Thimbles are not destroyed, contamination from uprooted sediments may preclude eating the fish taken from these grounds.

As to the uniqueness of the Thimble Islands, I submit that in a recent report and study conducted under the Long Island Sound Program, a historical marine census of Norwalk Harbor has found that many finfish have disappeared, with almost no tautogs found in 2003. Many of us believe that the Thimbles should be designated as a Marine Protected Areas, under the auspices of a program that was initiated many years ago by federal legislation, and which NOAA has played a key role. This was also the recommendation of a recent report prepared by the Long Island Sound Task Force under the moratorium legislation passed by the Connecticut General Assembly. Under auspices of such a framework, Connecticut can assess the locations of finfish habitats and then be able to manage scarce and unique marine resources. Until then, I suggest that the Secretary of Commerce uphold the Connecticut DEP's denial of an Islander East permit under their CZMP.

Jerry C Shaw



This document involves pipeline location information and is not available at this Internet site due to homeland security-related considerations. This portion of the Islander East consistency appeal administrative record may be reviewed at NOAA's Office of General Counsel for Ocean Services, 1305 East-West Highway, Silver Spring, Maryland.

**Comparitive Fisheries Data
Norwalk Harbor**

Species	Year 1991	Year 1992	Year 1993	Year 1994	Year 2003
Winter Flounder		716	343		
Small mouth Flounder		2	2		
Summer Flounder		0	0		
Hog Choker		0	0		
WP Flounder		3	18		
Cunner		42	6		
Pipe Fish		56	81		
Northern Sea Robin		88	22		
Eel (Atl)		4	0		
Northern Puffer			0		
Rock Gunnel			5		
Grubby			0		
Oyster Toad			1		
Tomcod			0		
Black Fish			1		
Goby			0		
4Beard Rockling			0		
White Perch			1		
Lizard Fish					
Totals	384	931	481	505	168
Total Species	1	12	1	7	12
# Trips	19	18	23	11	18
# Trawls	64	58	93	28	56
*CPU	6	16	5	18	3